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GILBERT J. ARENAS, JR.
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11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13

14 GILBERT J. ARENAS, JR., an individual,

15 Plaintiff,

16 vs.

17 SHED MEDIA US INC., a Delaware
corporation; LAURA GOVAN,
18 an individual; and DOES 1 through 10,
inclusive,

19 Defendants.
20

CASE NO. 11-cv-5279 DMG -
PJW

**PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY INJUNCTION**

Date: August 22, 2011
Time: 9:30 a.m.
Dept.: 7

1 TO THIS COURT, ALL PARTIES AND THEIR ATTORNEYS OF
2 RECORD:

3 PLEASE TAKE NOTICE that on August 22, 2011, at 9:30 a.m., or soon
4 thereafter as counsel may be heard, in Department 7 of the above-entitled Court
5 located at 312 N. Spring Street, Los Angeles, CA 90012, in the Courtroom of the
6 Honorable Dolly M. Gee, United States District Judge for the Central District of
7 California, Plaintiff Gilbert J. Arenas, Jr.'s ("Plaintiff" or "Arenas") will and
8 hereby does move this Court for a motion for preliminary injunction pursuant to
9 Federal Rules of Civil Procedure, Rule 65(a), to restrain and enjoin Defendants
10 Shed Media US Inc. ("Shed Media") and Laura Govan ("Govan") (collectively,
11 "Defendants") and those in active concert with them, including the parties
12 themselves, their officers, agents, servants, employees, attorneys, independent
13 contractors, partners, or any other person having any involvement with the
14 "Basketball Wives: Los Angeles" show, until trial or further order of this Court,
15 from misappropriating Plaintiff's identity and infringing on Plaintiff's trademarks
16 as follows:

- 17 1. Using the marks "GILBERT J. ARENAS, JR.," "GILBERT
18 ARENAS," "GIL ARENAS," "AGENT ZERO," "AGENT
19 ARENAS," and "HIBACHI" (or any variants sufficient to identify
20 Plaintiff) in commerce in association with any reality television
21 show;
- 22 2. For any television show that includes the appearance of Govan, using
23 the term "Basketball Wives" or anything that would suggest affiliation
24 with basketball players such as Plaintiff (for example, and without
25 limitation, "NBA Spouses") in the title, promotional text, or the show
26 itself; and
- 27 3. For any television show that includes the appearance of Govan, using
28 any other means to suggest affiliation with basketball players such as

1 Plaintiff, including without limitation, the inclusion of more than two
2 participants who are known to be affiliated with basketball players.

3 This motion is made on the grounds that, as to the common law
4 misappropriation of likeness and trademark infringement claims, Plaintiff is likely
5 to succeed on the merits, Plaintiff is threatened with irreparable harm, the balance
6 of hardships weighs in favor of Plaintiff, and all the factors considered upon a
7 motion for preliminary injunction weigh in Plaintiff's favor.

8 This motion is based upon this Notice of Motion and Motion, Memorandum
9 of Points and Authorities in support thereof, the Declaration of Gilbert J. Arenas,
10 Jr., the Declaration of Yuo-Fong C. Amato, and all pleadings, papers, and records
11 on file in this action, and such matters which this Court may take judicial notice,
12 and upon such further oral argument and documentary evidence as may be
13 presented at the time of the hearing.

14 Dated: July 25, 2011

15 Respectfully submitted,
16 GORDON & REES LLP

17 by s/Richard P. Sybert/
18 C. Anthony Mulrain
19 Richard P. Sybert
20 Yuo-Fong C. Amato
21 Attorneys for Plaintiff
22 GILBERT J. ARENAS
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CERTIFICATE OF E-FILE SERVICE

I hereby certify that on July 25, 2011, a copy of the foregoing document and all attendant documents were filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail (N/A). Parties may access this filing through the Court's electronic filing system.

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*Counsel for Defendant
Shed Media US Inc.*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and executed on July 25, 2011, in the City of San Diego, State of California.

/s/ **Richard P. Sybert**

Richard P. Sybert

CERTIFICATE OF PERSONAL SERVICE

I hereby certify that on a copy of the foregoing document and all attendant documents will be sent to a third party to effectuate personal service on Defendant Laura Govan.

Plaintiff will file an executed certificate of service after completion of personal service upon Defendant Laura Govan.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and executed on July 25, 2011, in the City of San Diego, State of California.

/s/ **Richard P. Sybert**
Richard P. Sybert